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Illinois Commerce Commission
RAIL SAFETY SECTION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Village of Tilton, Vermilion County, Illinois
Petitioner

vs.

Norfolk and Southern Railroad and State of Illinois,
Department of Transportation,

Respondents.

Petition for an Order regarding a separation of grades
and construction of a bridge carrying 14th Street
(FAU 7010), Village of Tilton, Vermilion County,
Illinois, over the tracks of said Railway Company,
apportioning cost thereof and directing an appropriate
portion thereof to be borne by the Grade Crossing
Protection Fund.

Docket No.:T00-0103

MOTION FOR EXTENSION OF TIME

NOW COMES Respondent State of Illinois, Department of Transportation ("Department"), by and through its attorney Lisa Madigan, Illinois Attorney General, and for its Motion For Extension Of Time states as follows:

1. Counsel for the Department did not receive a copy of the Commission's June 29, 2004 Second Supplemental Order, until July 23, 2004. While the Second Supplemental Order is dated June 28, 2004, the cover page accompanying said document is dated July 20, 2004.
2. The Department's employee, namely David Speicher, responsible for monitoring this matter at the District level, was on vacation during the week of July 19 through July 23, 2004.
3. Counsel for the Department, will be out of the office due to a previously scheduled family vacation from July 27 through August 2, 2004.
4. Due to the timing of the events delineated above, Counsel for the Department will not able to obtain comments from David Speicher and/or other Department employees, render an informed opinion regarding the Department's position with regard to the contents of the Commission's Second Supplemental Order and prepare a pleading for filing with the Commission prior to her scheduled departure on July 27, 2004.
5. Counsel for the Department will not return from her scheduled vacation before the thirty day period from the issuance date of the Second Supplemental Order has expired.
6. Because Counsel for the Department did not receive a copy of the Second Supplemental Order until July 23, 2004 and the above described chain of events,

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Counsel's inability to comply with the thirty day time period is beyond her control and not due to a lack of diligence on her part.

WHEREFORE, Respondent State of Illinois, Department of Transportation requests additional time (at least ten days after Counsel's anticipated return date – August 12, 2004) to discuss the contents of the Second Supplemental Order with appropriate Department employee(s) and adequately prepare and file a responsive pleading to the Second Supplemental Order.

Respectfully Submitted
Illinois Department of Transportation

By: Lisa Madigan
Attorney General


Stacey C. Hollo
Special Assistant Attorney General

Dated: July 26th, 2004
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 300
Springfield, Illinois 62764
Telephone: (217) 782-0692

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) Docket No. T00-0103

NOTICE OF FILING

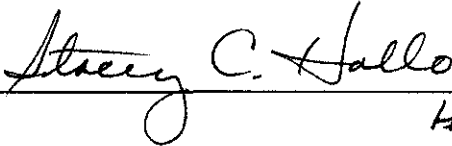
TO: Thomas W. Ambler, NS
Robert B. Andrews, Eng.
Patricia D. Barksdall, CSX
Richard E. Boyle, NS
Paul C. Carine, CSX Eng.
James C. Cook, Atty.
Neil F. Flynn, Atty.
W.C. Johnson, NS
Kenneth W. Mettler, CSX
Thomas L. Overmyer
Daniel P. Schuering, Atty.
Conrad Wantland, Village Pres.
Connie S. Weddle, Village Clerk

PLEASE TAKE NOTICE that I have this 26th day of July, 2004 forwarded to Mr. Dave Lazarides, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, Department's Motion For Extension Of Time, a copy of which is attached hereto and hereby served upon you.

Stacey C. Hollo **LB**
Stacey C. Hollo
Special Assistant Attorney General
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(217) 782-0692
Counsel for the Illinois
Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addresses listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 26th day of July 2004:


_____ *LB*

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